

# OFFICER DOWN!

## *Slowly-Developing Threats*

By Brian McKenna

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**WINNING EDGE TRAINING**

### **DESCRIPTION OF INCIDENT**

Deputy Kyle Dinkheller was going to be a father again. Earlier in the day his wife had learned she was pregnant with their second child, but she hadn't had the chance to tell him yet. That would have to wait until he got home from work. But the chance would never come - Andrew Brannan, a reclusive 50 year-old Vietnam veteran with a very short fuse, was about to make sure of that.

Dinkheller, only 22, had been with the department for only a short time, but he had already earned the respect and friendship of everyone on the small rural sheriff's department. Known for his hard work, enthusiasm, and good-natured attitude, he was well liked by his fellow deputies and members of the public alike. He was currently assigned to day shift on the Interstate Criminal Enforcement team, a proactive traffic and drug interdiction unit, and he was in the last hour of his workday when he spotted Brannan's Toyota pickup truck.

The pickup was obviously speeding as it approached him from the opposite direction on the interstate, a fact that was verified almost immediately by a reading of "98" on the screen of his moving radar unit. Dinkheller locked in the speed, quickly braked, and made a U-turn through the median as soon as the truck shot past him. He was still speeding to catch up when he saw the pickup exit the interstate and speed away on an intersecting county highway. Dinkheller activated his roof lights and siren,

called out his attempt to stop the pickup, and followed it onto the county highway. Far ahead, he could see the small truck make a right turn onto a secondary road and keep going, still at a high rate of speed. He followed the truck for about another quarter mile and through a long curve. As he came out of the curve, he saw that the pickup was slowing down. He soon caught up, and pulled in behind the truck as it pulled to the right and stopped.

As he stepped out of his patrol car, Dinkheller kept his eyes on Brannan, who seemed to be debating whether or not to get out of the truck. The driver's door popped open a couple of inches, closed, opened again, this time further, and closed again.

"Driver," Dinkheller shouted, "step back here to me!"

The door opened all the way as Brannan turned and said something to a mid-sized dog that was in the seat next to him. Brannan stepped out of the truck, but instead of complying with Dinkheller's request, he just stood there. Brannan did not seem threatening, but he was passively non-compliant. It was later learned that he had no arrest record, which was surprising considering the kind of man he was. He was a hothead with a violent streak who didn't like anyone - especially a young cop with very little experience - telling him what to do.

"Come back here for me," Dinkheller repeated.

Brannan looked at the dog again, and Dinkheller repeated the order for yet a third time. Brannan

paused, pushed the door closed, walked to the back of the truck, and stopped.

"How you doin' today," Dinkheller asked.

"Great," Brannan responded, "how're you doin'?"

"Good. Come on back here," Dinkheller said. As Dinkheller spoke, Brannan slipped both hands into his coat pockets. Without pause, Dinkheller added the command, "and keep your hands out of your pockets!"

"Why," Brannan demanded, his voice raised in both volume and pitch.

Now faced with the first sign of open defiance, Dinkheller responded by repeating the command, "keep your hands outa your pockets, sir!"

Brannan took a half step backward and turned to his left. "Sir," Dinkheller repeated in a louder voice.

Brannan turned back toward the deputy. "F\_\_k you," he spat out, "Goddamn it!" Then, suddenly throwing his hands into the air, he started to back up into the street. "Here I am, shoot my f\_\_kin' ass," he yelled as he launched into an ominous, wildly exaggerated jig.

"Here I am, shoot me!" Brannan cried, leaping into the air with his arms flailing about as he continued his strange dance.

Dinkheller ordered the man to come over to him twice more, but Brannan conspicuously ignored him. Dinkheller keyed the mic on his portable radio and asked for assistance. This action elicited another sudden switch in Brannan's behavior. Abandoning his dance as

suddenly as he had begun it, the man charged Dinkheller. Dinkheller took a step back into a defensive stance, placed his hand on his collapsible baton, and commanded, "sir, get back!"

Brannan stopped short, and defiantly screamed, "Who you callin', mother f\_\_ker?"

"Sir, get back now," Dinkheller responded as he drew and extended the baton.

Brannan backed off. "Why don't you f\_\_kin' kill me," he roared as Dinkheller ordered him to get back yet again.

Brannan started forward a second time, his fists now clenched amid Dinkheller's repeated commands to back off. "I'm a Goddamned Vietnam combat veteran," he snarled and moved forward to the attack, "and I am not..."

Dinkheller swung the baton, delivering a strike to Brannan's left thigh while again ordering him to get back. Brannan winced and stopped his advance, then backed away, his face ablaze with anger. He turned and walked rapidly to the rear of his truck, where he turned and glared back at Dinkheller before moving up to the cab. It was clear that the incensed man made up his mind about something, and it didn't look good for Dinkheller. Dinkheller stayed next to his patrol car and placed another call for assistance.

Now at the driver's door, Brannan turned toward Dinkheller again, pointed angrily at him and howled, "f\_\_k you!"

"Sir, step back now," Dinkheller responded.

Brannan opened the door, leaned inside, stood up again, shot a quick glance toward Dinkheller, and reached back into the cab. After feeling around inside the cab for a brief moment, Brannan leaned all the way in and began to manipulate something that was out of view. Up to this point, Dinkheller had been ordering Brannan to get back, but it was quickly becoming apparent that Brannan's actions inside the cab were developing into a serious threat to Dinkheller's safety. "Get outa the car now," he

yelled, then repeated the command.

Brannan heard the orders, but he wasn't about to let that stop him. He turned toward Dinkheller, cursed, then stood and pointed an angry finger at the deputy while bellowing out more curses. He turned back to the cab, and grabbed something inside. He turned toward Dinkheller again, still cursing while holding the object out of view inside the cab. Dinkheller responded by ordering Brannan to come back to him. The enraged man answered with a hotly defiant, "no!"

"Step away from your vehicle," Dinkheller commanded, then saw that it was a rifle in the man's hand, its dark barrel angled above the back of the seat but pointing toward the passenger door.

"Put the gun down," Dinkheller shouted, his voice now edged with anxiety as he backed up to the left rear corner of his patrol car and took cover.

Just as he had been doing from the beginning, Brannan went on in open defiance of Dinkheller's efforts to stop him. He leaned back into the cab as Dinkheller called for assistance again, this time adding that Brannan had a gun. Brannan peeked out of the cab, then turned his attention back to the rifle. He was manipulating the weapon in a way that was not completely clear, but it appeared that he was loading it. Dinkheller repeated the command to put the gun down. Brannan's response was to peek out of the cab again and scream out another defiant, "no!"

"Put the gun down now," Dinkheller demanded, only to have his order met with a string of more curses from his opponent.

"Put the gun down!"

Brannan turned back to the cab, leaned further inside, and picked up the rifle, a 30 caliber M-1 carbine, as Dinkheller again ordered him to drop it. Without hesitation, Brannan ducked back out of the door and squatted next to the cab, the rifle in his hands. He bobbed around next to the truck, using quick peeks to try to locate Dinkheller, who was now moving to the right-rear fender of the patrol car for better cover.

Dinkheller had his GLOCK trained on the truck, waiting for a good shot. It soon came. Brannan rose above the bed of the truck, the M-1 at his shoulder. Dinkheller fired, but missed as Brannan quickly ducked back down. Brannan soon appeared again, this time firing at Dinkheller as he came into view. Dinkheller responded with several shots of his own, but Brannan had ducked immediately after firing. Brannan rose, fired again, and ducked out of view as Dinkheller returned fire, still without any apparent affect.

Brannan bobbed up twice more, each time to a barrage of shots from Dinkheller's GLOCK. But the slide on the pistol soon locked back. As Dinkheller rushed to reload, Brannan bobbed his head up yet again, very briefly and barely rising above the side of the bed. When no shots came, he raised his head higher, and then moved toward the rear of the truck. He rounded the corner of the bed, holding the rifle at his hip as he moved, and rapidly crossed over to the right-front fender of the patrol car. He paused for but an instant, raised the gun to his shoulder, and opened fire. Dinkheller was now taking hits to his arms and legs as he hurriedly finished reloading the GLOCK and returned fire. Brannan's rifle blazed fire as he kept moving toward Dinkheller, pumping rounds into the valiant deputy's arms and legs as he fired. Dinkheller went down under the barrage of lead, but kept firing. Fighting back doggedly, but seriously wounded and badly outgunned, Dinkheller missed with each desperate shot. Dinkheller was in great pain and bleeding profusely when Brannan finally stopped firing and backed off, his rifle now empty. Dinkheller's gun had also been shot dry again, and he painfully reloaded as Brannan retreated to a position along the edge of the road near the back of the pickup truck.

Dinkheller had backed away from Brannan to a position near the left rear corner of the patrol car. He raised up and fired another shot at Brannan, who had just finished

reloading as well. Brannan ducked from a near miss, then put the gun to his shoulder and advanced at a fast pace to the left side of the patrol car, firing rapidly as he moved. Dinkheller was taking still more hits to his arms and legs, but continued to shoot back.

Brannan backed off to the front of the patrol car, and Dinkheller fired again. This shot hit dead center, striking the man just below the sternum. Brannan flinched and grimaced slightly, but otherwise showed no effects from the wound. Regrettably, the bullet had hit at an angle, traversed his right torso at a shallow depth, and exited without striking any internal organs.

Brannan raised the rifle to his shoulder again, and moved back to the left side of the car, firing several shots as he advanced. Dinkheller now took his ninth hit. Up to this point all but one of the hits -- a bullet to the hip that had severed the femoral artery -- had been to Dinkheller's limbs, but the wounds had taken their toll. Now severely weakened from loss of blood, Dinkheller was virtually defenseless. Brannan stopped his advance, took deliberate aim at the gravely-wounded deputy's head, and pulled the trigger. The bullet entered Deputy Dinkheller's right eye and penetrated his brain, killing him almost instantly.

"Mother f\_\_ker," Brannan growled, then turned and fled back to his truck.

He tossed the M-1 onto the seat, jumped in, and sped away. He fled to a piece of property he owned nearby, where he abandoned the gun, wrapped himself in a tarp, and hid out all night while an army of law officers scoured the area in search of him. He was located and arrested without further incident the following day. The wound to his side was not serious, and he soon recovered. He was subsequently tried and convicted of capital murder of a police officer, and sentenced to death. He is now on death row, and is currently appealing his death sentence.<sup>1</sup>

## **ANALYSIS**

### **Subject Control**

Deputy Dinkheller's murder provides a sobering example of what can happen when an officer loses control of a situation. If Deputy Dinkheller had decisively put a stop to Brannan's aggressive actions early on, Brannan would never have been able to get to his rifle and this tragedy would have been averted.

Subject control starts with proper command presence. People like Brannan have no respect for the uniform, and will test an officer if they detect any signs of uncertainty, fear or weakness. When Brannan refused to take his hands out of his pockets, a slight but discernable hint of uncertainty crept into Deputy Dinkheller's voice (this change can be heard, though only faintly, in the video-recording of the incident made by Deputy Dinkheller's in-car video-recorder), and Brannan wasted no time picking up on it. He then tested the young deputy by blatantly refusing to comply with his commands and initiating his strange dance in the street. When Deputy Dinkheller did not take firm control at this point, Brannan pressed the issue by rushing him, then challenging him both verbally and physically.

Brannan later commented that he had attacked Deputy Dinkheller because he resented the way Dinkheller had spoken to him. This is significant because Dinkheller had shown him the utmost courtesy and respect, which strongly indicates that Brannan saw Dinkheller's courtesy as a distasteful sign of weakness. In addition, Brannan displayed an air of haughty superiority when talking about Deputy Dinkheller later. During his interrogation, he arrogantly commented that Dinkheller had been young and foolish, that he had clearly held the tactical advantage over the young deputy. Considering Brannan's attitude towards Deputy Dinkheller, there is a good possibility that he would have acted differently if Dinkheller had used a firmer tone of

voice, more explicit and forceful commands (more on this later), and displayed a more commanding bearing in general. A firm, no-nonsense demeanor conveys a level of confidence and power that will often discourage resistance. There are no guarantees, of course, but we should strive to display a proper command presence at all times.

Later, when it became necessary to employ physical force, Deputy Dinkheller was able to force Brannan to back off, but he didn't follow through. Instead of decisively putting a stop to Brannan's attack, he delivered a single, ineffective baton strike, then allowed Brannan to retreat. This only made matters much worse. Now infuriated, and completely unaffected by Deputy Dinkheller's efforts to stop him, Brannan defiantly returned to his truck, retrieved his rifle, loaded it, and calmly opened fire.

Once committed to the use of a given force option, it is imperative to employ it decisively and forcefully, and to keep it up until the threat is either eliminated or it becomes necessary to employ another force option. Anything less is likely to create the impression of weakness or lack of commitment, or – as in this case – it may serve only to anger your opponent. Force should never be used inappropriately or excessively, but it is essential to use enough force to decisively bring the situation under control.

It is also important to keep in mind that police officers are under no moral or legal obligation to meet actively aggressive assailants like Brannan on equal terms. Police officers have the authority to use a level of force that is one step higher on the force continuum than that being used against them. Perhaps more important, officers are not required to use the absolute minimum amount of force necessary to defend themselves. The courts recognize that it is not realistic to hold officers to such a strict and impractical standard. Instead, the standard is one of objective reasonableness. As long as the use of force is objectively

reasonable under the circumstances, it is justifiable, even if it is later determined that a lower level of force might have been equally effective. Excessive force is inexcusable, but officers have the obligation to use whatever force is reasonably necessary to bring a violent encounter effective under control.

### **Permitting a Motorist to Return to His Vehicle**

The confrontation took an ominous turn for the worse when Brannan returned unmolested to his truck. The most obvious consequence of this action was the fact that it enabled Brannan to retrieve his rifle, but it also created two other serious tactical problems. First, it put Brannan out of the Deputy Dinkheller's reach, thereby limiting Deputy Dinkheller's options for controlling him, and second it allowed Brannan to reach a position that afforded him some cover next to the truck. These are tactical concerns that occur any time a motorist is permitted to return to his vehicle, whether he does so blatantly as Brannan did, or more subtly as much more frequently occurs. Be especially wary if a motorist shows any signs of hostility, nervousness or deception.

It is often safer to keep the motorist inside his vehicle, but once he exits for any reason, don't let him return until it is time for him to leave. Order him to stay where he is and deny any requests, no matter how seemingly innocent, to return to his vehicle. If he refuses to cooperate, most jurisdictions have laws that make it unlawful to interfere with an officer, disobey an officer's lawful command, etc. Another option is to make a custodial arrest on the original traffic charge. The important thing is to maintain control of the situation by placing the suspect under arrest as quickly as possible. It is significant to note here that Brannan later commented that he would not have attacked Deputy Dinkheller if Dinkheller had used physical force to stop him from returning to the truck. He said he believed that this would have put

him at a disadvantage, leaving him no choice but to submit, but Dinkheller's failure to apply physical force allowed him to maintain the tactical advantage.

### **Hesitancy to Fire**

The most critical element of this case was the fact that Deputy Dinkheller waited too long to employ deadly force. Everyone associated with this case agrees that he hesitated because of civil liability concerns. Civil liability is a very real concern in today's litigious society and we also have a legal and moral obligation to use deadly force only when absolutely necessary. Nevertheless, we have the right -- and even the duty -- to definitively put a stop to violence through the use of deadly force when necessary to defend against lethal threats. Fear of civil liability must never get in the way of our obligation to defend ourselves and others.

Deputy Dinkheller's in-car video recorder also may have contributed to his hesitancy to fire. Considering the intensive scrutiny given to police use of deadly force by the courts, media and others, the tape recording can be very intimidating. The camera records just the cold hard facts, including any mistakes the officer makes, no matter how minor or innocent, while ignoring the officer's unique perceptions of the event. It also records events from the camera's position, not the officer's, which can distort the facts against the officer. These are valid concerns, but we must keep in mind that the camera also records the suspect's hostile actions and other factors that are likely to support the officer's decisions. In this case, for example, the recording clearly showed Brannan's frightening, outlandish behavior and open hostility to an extent that would have been very difficult to convey in mere words. It is also important to remember that the video will not be the sole piece of evidence. Other physical evidence is also likely to be present, and the officer's police report still plays a crucial role in his defense. Regardless of whether a videotape exists or not, a detailed

report that clearly articulates the entire encounter from the officer's perspective, and explains why he felt threatened, will still be the officer's most valuable asset if he is accused of excessive force.

Hesitancy can also come from lack of confidence or uncertainty about the law and/or department policy regarding the use of deadly force (see previous section). Practical knowledge can help overcome this problem. Officer must develop a solid understanding of when they can justifiably use deadly force, and this understanding must be in-depth enough to equip them to respond appropriately in a wide variety of real-world situation, including those that are likely to lead to hesitation.

Training, including classroom discussions and interactive exercises, will help officers develop a practical understanding of the legal issues related to the use of force, thereby increasing confidence and reducing uncertainty. Interactive training is especially valuable because it can help identify factors that may cause officers to hesitate before using deadly force and/or officers who may be overly reluctant to use such force. In at least one documented case, an officer who had shown reluctance to shoot during interactive firearms training was killed later when he hesitated to shoot an armed assailant. If action had been taken at that time to correct this shortcoming, the officer might not have waited until it was too late before reacting to the threat. The need to make the right choice when confronted with a deadly threat, and to do so without hesitation, is too important to leave to chance. We owe it to our officers to make sure they get the best possible training in this regard. Crisis rehearsals can also be used to supplement such training, or as a reasonably effective substitute when training is not available.

There is one other very likely cause of Deputy Dinkheller's hesitancy that is much less obvious, and more insidious, than any of the



other causes we have mentioned so far...

### **Slowly-Developing Lethal Threats**

Brannan's armed attack did not occur all at once or as suddenly as one would expect. This kind of slowly developing lethal threat is unusual, but not as rare as it may seem. In one case, three mid-western officers, all with their guns pointed at their adversary, were held at gunpoint by a suspect who approached them with a shotgun at port arms, then slowly moved it into firing position. One of the officers later commented that he withheld fire because he was waiting until there was a direct threat to his safety or the safety of one of the other officers. Then, before he realized it, it was too late. The shotgun was pointed directly at his face, and he feared that even a lethal hit might cause the suspect to flinch and fire the weapon. Fortunately, the incident ended with only the suspect being injured (he resisted arrest after throwing the gun down), but the danger was the same as that faced by Deputy Dinkheller. As further evidence of this threat, the author included a scenario based on this case in a recent interactive firearms course, and in each case the trainees withheld fire. Similarly, when the same scenario was presented to several officers verbally, all but one stated that he would have taken cover, ordered the suspect to drop the gun, and waited until the suspect pointed the gun at them before firing.

It appears that the problem here is that we are conditioned, either through instinct, experience or both, to expect threats to come all at once. When the threat develops more slowly, it just doesn't feel as threatening. Even worse, as the situation gradually unfolds, there is plenty of time for disbelief and doubts to creep in, to worry about possible legal consequences, and to wonder whether the situation has reached the point yet that lethal force is really necessary. In short, a slowly developing threat gives you too much time to think. This can be

exceedingly dangerous when facing a life-threatening situation.

An essential key to dealing with a threat that build over time is to understand that it is not necessary to wait until someone points a gun at you before you shoot. Depending upon the circumstances, an imminent lethal threat can be present as soon as a suspect reaches for a weapon, and it is undoubtedly present as soon as he starts to draw one. In this case, however, the fact that Brannan took the time to load the rifle created a confusing gray area for Deputy Dinkheller. Nevertheless, it could be effectively argued that even with the apparent delay in the action, Brannan's actions presented an imminent threat to Dinkheller's life. Brannan had already displayed a great deal of hostility, and it was abundantly clear that he was not simply ignoring Dinkheller's commands, but aggressively acting contrary to them. Once he grabbed the rifle and placed just one round in the chamber against Dinkheller's orders, what other reasonable conclusion could be drawn from his actions than that he intended to shoot, and that he had the means to do so? Who could reasonably question the need to shoot under such circumstances?

When confronting a slowly developing threat, it is absolutely essential to mentally draw a line in the sand that you will not allow your opponent to cross, and you must have the commitment and moral courage to shoot as soon as he starts to cross it. Nevertheless, it can be hard to determine where to draw the line under the stress of a life-threatening encounter. Fortunately, this process can be greatly simplified by issuing the proper verbal commands. As soon as you perceive a lethal threat, order the suspect not to move. The command "DON'T MOVE OR I'LL SHOOT!" leaves no room for doubt. It firmly establishes in your mind, as well as his, where the line has been drawn, and it makes it abundantly clear what will happen if he refuses to comply. It also clearly communicates to any witnesses that

you are in fear for your life and that you gave the suspect the opportunity to avoid gunfire by complying with your command. If he chooses to move at that point, it is only reasonable to assume that his intentions are to attack, because no reasonable person would have any other reason to disobey. In addition, this simple command avoids the problem of having to try to convince him to drop his gun. Strangely enough, some people are so reluctant to drop their prized firearm that they will argue with you about it, which can create a sticky problem.

Once you have frozen the action by ordering him not to move, you can proceed with issuing commands that will further deescalate the danger without significant additional risk. These will vary depending upon the situation, but they will usually go something like this: "Don't move until I tell you to, and then do exactly what I say!... When I say, 'do it now' turn away from me very slowly, and stop when your back is to me!... Do it now!... When I say, 'do it now' slowly let go of the gun!... Do it now!... When I say, 'do it now' slowly raise your hands straight into the air!..." Again, you must be committed to take appropriate action if makes any sudden moves or otherwise threatens your safety.

This tactic stops the action as soon as you perceive a threat, thereby avoiding the need to decide how far to let him go before you feel threatened enough to shoot. It is also universally applicable to any situation, and it is simple and direct. As such, it will go a long way in helping officers to safely handle slowly developing lethal threats.

### **Safe Distance from Long Guns**

When confronting an assailant who is armed with a rifle, there is a strong impulse to retreat to a position as far away as possible. This can be dangerous, because rifles have a far greater effective range than handguns. Consequently, if you increase the distance while armed with only a

handgun, you severely limit your own ability to get hits while simultaneously enhancing your adversary's ability to hit you. Conversely, when within effective handgun range, superior long-range accuracy no longer offers any real advantage, and speed becomes the more critical factor. When close enough to obtain reliable hits with your handgun, the handgun's greater maneuverability is likely to give you the edge on speed, especially when in confined spaces and/or within contact range. In this case, for example, if Deputy Dinkheller had moved in closer, he would have been in a good position to use pistol fire with great effect as soon as Brannan started to draw the rifle out of the cab. If he had gotten in even closer, he might have even been able to use non-lethal force to stop Brannan before Brannan got hold of the rifle, which brings to mind another disadvantage of long guns. When within contact range, their length makes them hard to bring into firing position quickly, and the long barrel is easy to grab and/or deflect. Handguns, by contrast, can be quickly drawn and fired from the combat tuck position with little chance of being deflected or grabbed.

This suggestion goes counter to instinct to some extent, and is therefore offered with some reservations. Still, it makes a lot of sense from a tactical perspective and should be seriously considered. Consideration also should be given to working the tactic into interactive scenarios and crisis rehearsals.

### **Firearms Training**

Under the incredible stress of Brannan's relentless attack, Deputy Dinkheller fired with great rapidity but very disappointing accuracy (one hit out of 33 shots). Outgunned as he was, it is easy to see why this happened, and even to sympathize with him, but there is no denying that he may well have survived if he had returned fire more effectively.

The importance of frequent and realistic range training, including

stress courses, cannot be overemphasized. As officers develop ever-greater skill and confidence, they should be required to shoot increasingly more stressful courses of fire. The difficulty and stress level should not exceed their abilities to the point that it becomes frustrating or erodes their confidence, but it should be challenging enough to stretch their capabilities.

Officers should also be trained to engage targets that are behind cover. An adversary who is behind cover usually leaves parts of his body exposed at various times, either intentionally or unintentionally, and officers must be conditioned through training to capitalize on this. A hit to even a non-vital body part may distract, discourage or weaken the attacker, and several will multiply the effect. Officers should be trained to wait for a shot until their adversary is exposed, either accidentally or as he emerges from cover to advance or change positions. Shooting at the suspect's feet and ankles under vehicles and other barricades with gaps at ground level should also be taught (a technique that might well have benefited Deputy Dinkheller), including ricochet shooting. In addition, training should also include a practical assessment of the resistance of various materials to various rounds, with the idea in mind that the officer may be able to achieve hits by shooting through some items of cover.

Similarly, officers should be trained in barricade shooting techniques. It appears from his wounds that Deputy Dinkheller used cover well enough to protect his head and torso for the most part, but he left his arms and legs at least partially exposed. Although it is seldom possible to stay behind cover without some exposure to incoming rounds, the appropriate barricade shooting techniques will maximize the protection afforded by various items of cover. Training should emphasize these techniques, but it should also teach officers to shoot accurately from various cover positions. Officers

are not used to firing from behind cover, and the required firing positions are often awkward and uncomfortable. Without practice it can be difficult to shoot accurately, especially when using a position that minimizes the officer's exposure to the fullest extent possible. It is not possible to determine with any certainty how much Deputy Dinkheller's accuracy was affected by his use of the patrol car for cover, but we do know that he missed with every shot but one. Training in the use of cover will enable officers in similar circumstances to more effectively defend themselves.

### **Cop-Killer Mind Set**

Besides his cold-bloodedness and contemptuous disregard for Deputy Dinkheller's authority, Brannan displayed many of the other characteristics common to cop killers. He showed animal-like instincts with regard to Deputy Dinkheller's reluctance to take action, and he readily capitalized on it. Also typical of a cop killer, Brannan gave very little or no thought to the long-term consequences of his actions. In his mind, Deputy Dinkheller simply made him angry, and that was enough. Without stopping to consider that he would probably never get by with it, he impulsively turned a minor traffic fine into capital murder charge. This kind of childish, impulsive behavior without regard for long-term consequences is frequently found in violent offenders, and it makes them very dangerous.

### **Winning Attitude**

Although Deputy Dinkheller has generally been described as an officer who tended to use a great deal of restraint in the use of force, he fought back with admirable courage and vigor when attacked. Despite the fact that he had suffered multiple gunshot wounds while facing a combat veteran with a superior weapon, he never gave up. He fought valiantly in the face of the desperate odds against him, and managed to deliver a center

mass hit on his adversary even after receiving the majority of the wounds inflicted on him. Often, this kind of courage, determination and toughness will pull an officer through against the odds. It is deeply tragic that such was not the case here, but that doesn't change the fact that he faced his attacker with inspiring courage and commitment.

### The Videotape as a Training Tool

Deputy Dinkheller's murder was captured on tape by his in-car video recorder. Although the video is very disturbing to watch, it is also a tremendously valuable training tool. Every officer should see it, and take the time to learn as much as he can from it. It is an intensely graphic eye-opener for those officers who have grown lax in their approach to the job, which includes all of us at one time or another. It also chillingly demonstrates the cold-blooded capabilities of cop killers, and highlights a wealth of other invaluable lessons, many of which have been discussed in this analysis.

It is not the purpose of this column to endorse products, but it would be a great disservice to our readers to neglect to mention that the recording of Deputy Dinkheller's

murder is commercially available, including commentary and a lesson plan, from In the Line of Duty.<sup>2</sup> It will unquestionably get the attention of every officer who sees it, and stimulate spirited, thought provoking discussion among the troops.

### SUMMARY Display

proper command presence at all times

- When physical force is necessary, apply it decisively, forcefully, and persistently until the threat is eliminated.
- Never permit a motorist to return to his vehicle.
- Do not allow fear of civil liability get in the way of your obligation to defend yourself and others.
- A practical understanding of the legalities related to the use of force will help avoid hesitancy when force must be applied.
- Officers are especially prone to hesitate when facing slowly developing lethal threats. When confronting such threats, it is essential to draw a line in the sand and be ready to shoot as soon as your adversary starts to cross it.
- Proper verbal commands will help to alleviate the threat of slowly developing lethal threats.

These should start with the command "DON'T MOVE OR I'LL SHOOT!"

- Tactically, it is safer to decrease, rather than increase, the distance from a rifle if you are armed only with a handgun.
- Accuracy, stress shooting, and barricade shooting must be emphasized in firearms training.
- It is important to keep in mind that violent offenders often act impulsively, with little regard for the long-term consequences of their actions.
- Never give up!

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- 1 It was not possible to determine many of Deputy Dinkheller's actions with certainty, because they occurred out of camera view. The details recounted here are carefully developed assumptions made from the available evidence.
  - 2 The video, entitled "Murder of a Georgia Deputy" (Vol. 7/Program 2), can be purchased at a cost of \$95.00, which includes S&H. In the Line of Duty, can be reached at 1-800-462-5232, or by e-mail at [lineofduty@aol.com](mailto:lineofduty@aol.com).

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This article, which originally appeared in **Police Marksman Magazine's** *Officer Down* column, is offered compliments of *Winning Edge Training*. It is our sincere hope that this factual account of an actual lethal confrontation will be of benefit to you as you continue to serve your communities in an increasingly more challenging and dangerous world. The lessons learned from this incident were purchased with a fellow officer's life. We owe it to him to learn as much as we can from his death, and to apply these hard-won lessons to our daily work. Feel free to reproduce and/or distribute this work to your fellow officers and police trainers, but only within the law enforcement community. The right to reproduce and distribute is limited to law enforcement personnel only.

Brian McKenna, the owner of *Winning Edge Training*, is the author of *Officer Down*, **Police Marksman Magazine's** longest running and most popular feature. He recently retired from his position as a patrol lieutenant with the Hazelwood (MO) Police Department, where he served for 30 years of his 33-year police career. He has a strong background in police training at both the recruit and in-service levels, and served his department as lead firearms instructor, as well as in various other training functions. He holds a B.A. from Illinois College and an M.S. from National Lewis University. Brian is a member of ILEETA and IALEFI, and serves on the Police Marksman National Advisory Board.

*Winning Edge Training* offers officer safety training to police agencies throughout the United States. Based upon Brian's

work as the author of *Officer Down*, the training presents officer safety principles gleaned from years of in-depth research into the dynamics of lethal police encounters. The presentations make extensive use of case studies and class participation to drive home key learning points in a way that every police officer understands. More importantly, however, they focus on developing positive mental skills that are so crucial to winning on the street.

For more information or to host a *Winning Edge Training* course at your agency, contact Brian McKenna at:

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